

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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SOLOMON AZOSE and  
NATALIE AZOSE,

Plaintiffs,

WASHINGTON MUTUAL BANK,  
J.P. MORGAN CHASE & CO. and  
CHASE MANHATTAN BANKING  
CORPORATION,

Defendants.

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)  
) Case No. 07-CV-04995 (DRH/ARL)  
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) NOTICE OF DEFENDANT CHASE'S  
) MOTION TO DISMISS  
)

) ORAL ARGUMENT REQUESTED  
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)  
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PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Chase ("Chase")<sup>1/</sup> hereby moves to dismiss all counts of Plaintiffs' Complaint. As a matter of law, none of Plaintiffs' five counts, asserting breach of contract, common law fraud, violation of New York General Business Law §§ 349 and 350, unjust enrichment, and violation of 12 C.F.R. § 205.16 of Regulation E, states a claim on which relief can be granted. The grounds for this Motion and supporting authorities are set out with more particularity in the accompanying Memorandum of Points and Authorities in Support of this Motion.

Dated: April 11, 2008

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<sup>1/</sup> Plaintiffs' Complaint lists two defendants containing "Chase" in their names. One of them, "Chase Manhattan Banking Corporation," went out of existence in 1992. The other, "JPMorgan Chase & Co." is a holding company, not a bank, and has no involvement in the matters discussed in the Complaint. Both names are apparently a misnomer for JP Morgan Chase Bank, National Association, which is a national bank operating in New York, whose ATM is the subject of the pleaded events. For purposes of this Motion, it will be assumed that Plaintiffs intend to sue JPMorgan Chase Bank, National Association, and the word "Chase" will be used to refer to it.

Respectfully Submitted,

Christopher Lipsett / *rs*

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